



MINUTES

City Commission Meeting

6:00 PM – Tuesday, December 13, 2022 – City Hall

INVOCATION: Pastor Dann Ragan, Lifepointe Church

PLEDGE OF ALLEGIANCE: Scout Troop 299, Chartered by Lake Square Presbyterian Church in Leesburg

CALL TO ORDER: 6:11 p.m.

ACKNOWLEDGE OF QUORUM AND PROPER NOTICE

PRESENT: Commissioner Willie Hawkins, Vice Mayor Emily Lee, Commissioner Karen LeHeup-Smith, Commissioner Nan Cobb and Mayor Michael Holland

1. AGENDA UPDATE

Tom Carrino, City Manager, announced that, based on the actions of the Local Planning Agency, Item 7.6 (Ordinance Number 22-36) would be removed from the agenda. He indicated the City Attorney would also have an update.

Sasha Garcia, City Attorney, requested that Item 7.3 (Resolution Number 22-94) be tabled to the January 19, 2023 meeting due to pending litigation with Sharps Mobile Home Park. She indicated that a meeting has been scheduled for January 4, 2023, with their representatives, Code Enforcement and the City Manager. She indicated they would also be scheduling a shade meeting.

On a voice vote, the Commission voted unanimously to table Resolution Number 22-94 as requested.

2. APPROVAL OF MINUTES

2.1 Approval of Minutes

October 3, 2022 City Commission Workshop

A motion was made to approve the Minutes as submitted. Motion made by Commissioner Cobb, Seconded by Vice Mayor Lee. The motion passed by the following vote:

Voting Yea: Commissioner Hawkins, Vice Mayor Lee, Commissioner LeHeup-Smith, Commissioner Cobb and Mayor Holland

3. PRESENTATIONS

3.1 Outgoing City Commissioner's Message - Karen LeHeup-Smith

Mayor Holland recognized Commissioner LeHeup-Smith for her service and presented her with a plaque for 12 years of nonconsecutive service.

Commissioner LeHeup-Smith thanked the Commission and community for their support during her tenure on the Commission.

4. APPOINTMENTS

4.1 Appointment to Library Board of Trustees – Kelly Fialkowski

A motion was made to approve the appointment of Kelly Fialkowski to the Library Board of Trustees. Motion made by Commissioner Hawkins, Seconded by Vice Mayor Lee. Motion passed by the following vote:

Voting Yea: Commissioner Hawkins, Vice Mayor Lee, Commissioner LeHeup-Smith, Commissioner Cobb and Mayor Holland

5. AUDIENCE TO BE HEARD

No one came forward at that time.

6. CONSENT AGENDA

6.1 Resolution Number 22-92: New Police Patrol SUV Purchase

6.2 Resolution Number 22-95: Demolition Authorization - 209 West Badger Avenue, Case 22-00041

A motion was made to approve the Consent Agenda as submitted. Motion made by Vice Mayor Lee, Seconded by Commissioner Cobb. The motion passed by the following vote:

Voting Yea: Commissioner Hawkins, Vice Mayor Lee, Commissioner LeHeup-Smith, Commissioner Cobb and Mayor Holland

7. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

7.1 Resolution Number 22-90: Lake Eustis Waterfront Grille Conditional Sign

Ms. Garcia announced Resolution Number 22-90: A Resolution of the City Commission of the City of Eustis, Florida; approving a conditional sign for the Eustis Waterfront Grille at 350 Lakeshore Drive to permit two building signs totaling 146 square feet in the Urban Neighborhood Design District.

Mr. Carrino noted there are two sign requests on the agenda and that, previously, Commissioner Cobb had requested a sign workshop. He indicated that it would be scheduled for the near future and confirmed she had requested that they wait until after the first of the year to schedule that workshop.

Jeff Richardson, Deputy Director of Development Services, presented Resolution Number 22-90 approving a conditional sign for Lake Eustis Waterfront Grille located at 350 Lakeshore Drive, Eustis. He reviewed the Applicant's Justification Statement as follows: 1) The property is not roadside or at road level; 2) The building sits off the road and is significantly below the road elevation; 3) Coming in from the west the bridge structure is visually obstructive; and 4) While a monument sign might provide some relief, because of the bridge to the west of the entry and the mobile homes to the east which have no setback, there is little benefit.

Mr. Richardson stated it is located in the Urban Neighborhood design district, reviewed the surrounding uses and referenced the applicable LDRs for sign standards. He indicated that the proposed conditional sign adds up to a total of 146 square feet (the horizontal sign is 120 square feet and the oval sign is 26 square feet). He noted conditions are not amenable for a ground sign due to the elevation. He provided an analysis of the request and cited the criteria the Commission must use in evaluating the request. He stated staff's recommendation for

approval with the following conditions: 1) The site shall not be allowed any additional signage above the 146 square feet; and 2) Building/sign permits shall be obtained for all unpermitted signs within 30 days of approval of the resolution.

The Commission confirmed the signs will only be toward the road frontage and would not be lighted.

Mr. Richardson confirmed that the signs were put up prior to receiving approval and they would have to pay a double fee.

Daniel DiVenanzo, owner of the restaurant, noted that if he had installed the letters as drawn it would have met code and he would not have needed the conditional use permit.

Attorney Garcia opened the public hearing at 6:26 p.m.

Gene Day commented that it is a fabulous addition to the City of Eustis. He indicated that without the border around it the sign was not easily seen. He complimented the owners on the excellence of the project. He asked that the red light at Lakeshore and Bay Street be improved to speed up the traffic flow.

There being no further comment, Attorney Garcia closed the hearing at 6:30 p.m.

A motion was made to approve Resolution Number 22-90. Motion made by Commissioner Cobb, Seconded by Commissioner Hawkins. The motion passed by the following vote:

Voting Yea: Commissioner Hawkins, Vice Mayor Lee, Commissioner LeHeup-Smith, Commissioner Cobb and Mayor Holland

7.2 Resolution Number 22-91: New Ace Hardware Conditional Sign

Attorney Garcia announced Resolution Number 22-91: A Resolution of the City Commission of the City of Eustis, Florida; approving a conditional sign for Ace Hardware at 1750 N. S.R. 19 to permit three building signs totaling 181.3 square feet in the Suburban Corridor Design District as greater signage amount than permitted by Land Development Regulations Section 115-11.2(D).

Mike Lane, Development Services Director, presented the conditional use permit application for the Carter's ACE Hardware signs. He explained the Land Development Regulations allow no more than 100 sq. ft. of signage per building frontage on a corridor. In addition, the logo letters are limited to 48" in height. The proposed ACE sign is 145 sq. ft. and the logo lettering is 96". He indicated they are actually requesting three signs, two of which are approximately 18 sq. ft. each with the remainder made up by the ACE Hardware sign itself. He added that the total square footage is 181 sq. ft. He provided an example of what the sign would look like if it were done to code. He noted that it is an 11,000 sq. ft. building.

Attorney Garcia opened the public hearing at 6:33 p.m. There being no public comment, the hearing was closed at 6:33 p.m.

A motion was made to approve Resolution Number 22-91. Motion made by Commissioner Cobb, Seconded by Commissioner Hawkins. The motion passed by the following vote:

Voting Yea: Commissioner Hawkins, Vice Mayor Lee, Commissioner LeHeup-Smith, Commissioner Cobb and Mayor Holland

7.3 Resolution Number 22-94: Foreclosure Authorization - 44 Sharps Circle LLC (Sharps Mobile Home Park), Case 22-00041

This item was tabled to January 19, 2023, at the request of the City Attorney.

7.4 Resolution Number 22-96: Approval of a Low-Income Household Water Assistance Program Vendor Payment Agreement

Attorney Garcia announced Resolution Number 22-96: A Resolution by the City Commission of the City of Eustis, Lake County, Florida, approving a low-income household water assistance program vendor payment agreement between the City of Eustis and the Lake Community Action Agency, Inc.; and authorizing the City Manager to execute the agreement and all other documents associated therewith.

Mr. Carrino explained that the Lake Community Action Agency (LCAA) received federal funds to assist qualifying households with utility payments; however, in order for the City to receive those payments they must enter into a vendor agreement with LCAA.

The Commission questioned if the City is required to be involved.

Tim Bridges, representing LCAA, explained that the Dept. of Economic Opportunity has provided through the federal government two years worth of funding dedicated to paying for water and wastewater. He noted they already provide payments for electric and gas and this will be the final piece for qualifying households. He stated it is a standard agreement which just formalizes the process for them to pay utility bills to the City.

The Commission confirmed the City would pay no fees.

Mr. Bridges explains it means the City will honor LCAA's vouchers for payment. He confirmed it would also cover any late fees. In the event they are disconnected, they will get turned back on and, if they are facing disconnect, the City won't turn them off. He further explained that each client can receive up to \$1,000. If they come in asking for assistance, LCAA will pay the past due as well as any balance of the \$1,000 which will give them a credit on their account. He stated they process payment to vendors every two weeks. He noted they have similar agreements with Duke, SECO, People's Gas and others. They honor LCAA's guarantee as if the client themselves came in and paid the bill. He noted that the new program will allow them to also make payments to a landlord if they owe the utilities to the landlord. He confirmed that LCAA did not previously have an utility payment agreement with the City. He explained that each client can receive up to \$1,000 within a twelve month period. He further explained that it is currently a two year program; however, there is pending legislation to make it a permanent program similar to the low income home energy program.

The Commission confirmed they have similar agreements with other cities and utilities. They also confirmed it would not create a cost to the residents.

Attorney Garcia opened the public hearing at 6:40 p.m. There being no public comment, the hearing was closed at 6:40 p.m.

A motion was made to approve Resolution Number 22-96. Motion made by Vice Mayor Lee, Seconded by Commissioner LeHeup-Smith. The motion passed on the following vote:

Voting Yea: Commissioner Hawkins, Vice Mayor Lee, Commissioner LeHeup-Smith, Commissioner Cobb and Mayor Holland

7.5 Ordinance Number 22-35: Amendment to the City of Eustis Comprehensive Plan creating a Rural Residential Transitional Land Use District in The Future Land Use Element and removing Map 19 (JPA Boundary) and references

Attorney Garcia read Ordinance Number 22-35 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Florida, amending the City of Eustis Comprehensive Plan 2010-2035 pursuant to Section 163.3184 of the Florida Statutes; providing for a Rural Residential Transitional land use district in the Future Land Use Element; providing for removal of Map #19 and references; providing for the repeal of ordinances inconsistent with this ordinance; providing for conflicting provisions; and providing for severability and effective date.

Mike Lane, Development Services Director, indicated there would be no presentation.

Attorney Garcia opened the public hearing at 6:42 p.m.

Leslie Campione, Lake County Commissioner, asked the Commission to reconsider transmitting the amendment to the state. She noted the meeting held between the County and City staff. She referenced FS 361.321.3. establishing the Wekiva River Protection Act and Wekiva Parkway. She commented on the unique hydrologic, wildlife, vegetation and karst features of the area. She explained the County established the rural protection area beginning at Thrill Hill Road and east of that they established special requirements and west of that the rural transition designation. Within that designation a developer could have one unit to five acres and stay rural or have up to one unit per acre with 50% open space. She commented on the joint planning agreement established in 1987 and the inclusion of Map #19 in the City's comprehensive plan which acknowledges the County's land uses within the JPA and also includes the City's higher land uses. She stated that the 1987 agreement merely states that the City and County will work together to prepare a joint planning agreement. In the interim, it states that the City will defer to its comprehensive plan and the County will defer to its comprehensive plan. She presented a map showing the County's rural transition and compared it to the City's Map #19. She indicated the proposed new land use district is too high at three units per acre. She added that the proposed language states that, when Map #19 is removed, the City will defer to the joint planning agreement of 1987 which only contains an eastern boundary which is Thrill Hill Road. She asked if the City will acknowledge that boundary is where it is no longer appropriate to have urban or suburban densities. She stated that if the City will acknowledge and adhere to that then that could be the compromise. She expressed support for two units per acre with a PUD overlay and use of Thrill Hill Road as the delineation to protect the rural protection and Wekiva Protection areas.

The following individuals addressed the Commission regarding Ordinance Number 22-35: 1) Cindy Newton (presented a written document to the Commission); and 2) Deborah Shelley, representing Friends of the Wekiva River.

There being no further public comment, the hearing was closed at 6:54 p.m.

The Commission asked what transmitting will do with Mr. Carrino explaining that any comprehensive plan amendment must be transmitted to the State Department of Economic Opportunity. He indicated they review the amendment to determine consistency with state statute and the rest of the City's comprehensive plan. He explained they then either provide comments or recommended changes or they inform the City they can proceed. He stated the process involves passing the amendment on first reading, transmitting to the State and then considering on second reading.

Mr. Carrino indicated that Commission direction was to meet with County staff and bring it back on December 13th. He explained City staff did meet with County staff and sent the

ordinance to the County including Bobby Howell and Jennifer Barker; however, no official response has been received from the County.

Ms. Campione indicated she was authorized to attend the meeting to provide their comments.

Vice Mayor Lee indicated the City received a legal opinion that they could remove Map #19.

Commissioner LeHeup-Smith recommended submitting the ordinance to the State and get their comments after which they will consider it on second reading.

Vice Mayor Lee asked what staff received from the County at the meeting with Mr. Carrino indicating their comments did not really affect the comprehensive plan amendment but would impact the Land Development Regulations. He stated the County asked if the City is willing to do lower densities with staff indicating the City is willing to consider lower densities in certain instances and encouraging developers to utilizing a PUD rather than developing by right. He indicated that he had not received any comments back from the County regarding the changes to the LDR's other than what was stated by Commissioner Campione.

The Commission asked what would occur if they wanted to change what was transmitted.

Mr. Carrino explained that if they wanted to change after transmittal they would need to start the process over. He indicated it would be a new submittal and stated that DEO is taking about one to two months.

The Commission discussed holding a workshop first with Mr. Carrino indicating that one option is to transmit the comprehensive plan amendment to the State and meanwhile work on the Land Development Regulations with the County. He stated that both the comp. plan and LDR's have to be amended.

Vice Mayor Lee expressed concern about the City not being able to determine its own future.

Commissioner Cobb expressed support for discussing at a workshop and retreat first and noted that the new Commissioner should weigh in as well.

A motion was made to approve Ordinance Number 22-35 on first reading and transmit to the State. Motion made by Commissioner Hawkins, Seconded by Commissioner LeHeup-Smith. The motion passed by the following vote:

Voting Yea: Commissioner Hawkins, Vice Mayor Lee, Commissioner LeHeup-Smith
Voting Nay: Mayor Holland, Commissioner Cobb

Vice Mayor Lee requested to change her vote with Attorney Garcia advising they would need a motion to allow a change in the vote and then a new motion on the ordinance.

A motion was made to have Vice Mayor Lee's vote rescinded to allow a re-vote on Ordinance Number 22-35. Motion made by Commissioner Cobb, Seconded by Mayor Holland. The motion to rescind passed by the following vote:

Voting Yea: Commissioner Hawkins, Vice Mayor Lee, Commissioner LeHeup-Smith, Commissioner Cobb and Mayor Holland

A motion was made to approve Ordinance Number 22-35 on first reading and transmit to the State. Motion made by Commissioner Hawkins, Seconded by Vice Mayor Lee. The motion failed by the following vote:

Voting Yea: Commissioner Hawkins, Commissioner LeHeup-Smith

Voting Nay: Vice Mayor Lee, Commissioner Cobb, Mayor Holland

7.6 Ordinance Number 22-36: Amendment to the City of Eustis Land Development Regulations: Amending Chapter 109 Land Use Districts and Design District Overlays, Section 109-2.2 Districts Enumerated, 109-3 Land Use District Development Intensity 109.4 Use Regulations Table and Amending Chapter 110 Development Standards, Section 110-4.0. Homestead Lot, Sec. 110-4.1. Estate Lot; Sec., 110-4.2. House Lot and Adding Section 110-5.17

This item was removed from the agenda due to action taken by the Local Planning Agency.

8. OTHER BUSINESS

There was nothing to consider under Other Business at that time.

9. FUTURE AGENDA ITEMS

Nothing was brought forward for a future agenda item.

10. COMMENTS

10.1 City Commission

Commissioner Cobb complimented everyone on the "Shop with a Cop" event and thanked Chief Capri and the AM Vets for their assistance.

Commissioner Hawkins commented on an email received from someone a few weeks prior. He read a portion of the email which stated that the Commission is receiving kickbacks from developers. He stated the email disgusted him and emphasized that he has worked 30 years fighting for the right to serve. He encouraged the individual to come before the Commission to discuss it or to speak with him privately.

Commissioner Cobb emphasized that the Commissioners take an oath to sit on the Commission. She stated they should be ashamed of themselves.

Mayor Holland asked that the City Attorney send a letter to the individual and ask that they appear before the Commission and explain their comments.

Attorney Garcia explained that she had intended to bring up the possibility of sending a letter demanding they retract a false statement. She indicated they would send a letter asking them to appear before the Commission.

Commissioner Hawkins commented that he had people try to pay him off in his previous life and they went to jail for that. He then announced the Miracle football game would be held on January 8th with the benefits to go to Runway to Hope which benefits kids with cancer. He encouraged everyone to attend the game at Carver Park. He then asked the City Manager regarding the church space.

Mr. Carrino reported that he needed to contact Everlasting Life Church regarding the appraisal.

Commissioner Hawkins then asked about the appointment of the other representative on the CRA Board with Mr. Carrino responding that the HR Department is doing background checks and they will move forward with that appointment in January.

Commissioner Hawkins then asked about the \$1500 previously set aside for the Commissioners to award to organizations. He asked to award \$500 to the Miracle Football League.

Mr. Carrino stated that staff will be presenting the annual grant requests at the January 19th meeting. He indicated that the grant requests total \$27,500 which leaves \$2500 for discussion at that time.

Commissioner LeHeup-Smith questioned how many of the participants of the League are Eustis residents and indicated that should be a consideration.

It was a consensus to discuss grant awards at the January 19th meeting.

Vice Mayor Lee reported on her participation in various holiday events with Parks and Recreation, the Fire Department and the Police Department. She confirmed that discussion regarding the cemetery was still scheduled for the retreat. She expressed agreement with Commissioner Hawkins to ask people to be careful with their words and accusations. She commented on how hard the Commissioners work for the benefit of the City and wished everyone a good Christmas.

10.2 City Manager

Mr. Carrino announced that Mr. and Mrs. Eaton were present. He explained their home was damaged by fire and they asked that they be allowed to live in their camper on site while they repair the home. He indicated that is not actually allowed under the code; however, the City has allowed it under a special event permit under special circumstances.

It was a consensus of the Commission to allow the use of the camper through a special event permit.

Mr. Carrino then noted the Parks and Recreation golf tournament would be on Friday. He explained the event benefits Parks and Recreation youth scholarships and indicated they are also accepting donations.

Mr. Carrino then asked to appoint Economic Development Director Al Latimer as Acting City Manager over the holidays while he is on vacation which was acceptable to the Commission.

Mr. Carrino then reminded the Commission that the retreat would be held in January. He asked that they look at their calendars so a date may be chosen for the retreat. He noted they are also working on the strategic planning process and may look at a retreat for that as well.

Mayor Holland asked him to send out some dates for a Saturday in January.

10.3 City Attorney

Attorney Garcia asked to schedule a "shade" meeting on January 5th regarding the current litigation. She indicated it would have to be held after the Commission meeting so that incoming Commissioner Gary Ashcraft could also participate. She confirmed it would actually be two back-to-back meetings as there are two lawsuits to discuss.

It was a consensus to hold the two shade meetings after the January 5th Commission meeting.

10.4 Mayor

Mayor Holland thanked City staff for all of their work on the holiday events. He noted he would also be traveling and asked that the Vice Mayor be authorized to sign anything that arises during his absence. He wished everyone a merry Christmas and a happy New Year.

11. ADJOURNMENT: 7:21 p.m.

**These minutes reflect the actions taken and portions of the discussion during the meeting. To review the entire discussion concerning any agenda item, go to www.eustis.org and click on the video for the meeting in question. A DVD of the entire meeting or CD of the entire audio recording of the meeting can be obtained from the office of the City Clerk for a fee.*

CHRISTINE HALLORAN
City Clerk

MICHAEL L. HOLLAND
Mayor/Commissioner